



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 4177-99

9 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 19 September 1988 at age 19. The record shows that you served without incident for almost four years. On 15 July 1992 you received nonjudicial punishment. The document on file in your record is almost illegible and the offense you committed is unknown. It appears, however, that the punishment included forfeitures of pay and a suspended reduction in rate. There is no performance evaluation in your record after 31 January 1992, but a 4 December 1992 entry states that you were not recommended for reenlistment.

It appears that you were aware of this entry since you signed other entries on the same page. You were released from active duty on 7 December 1992 with your service characterized as honorable. At that time you were assigned an RE-4 reenlistment code.

You state in your application that you had a clean service record and there is no basis for the assignment of the RE-4 reenlistment code. Although there is no performance evaluation in your record after 31 January 1992, it is clear that you did commit misconduct which resulted in nonjudicial punishment and it appears that you were aware that you were not recommended for reenlistment. The Board concluded that in the absence of evidence to the contrary,

the nonjudicial punishment was sufficient to support the assignment of the RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director